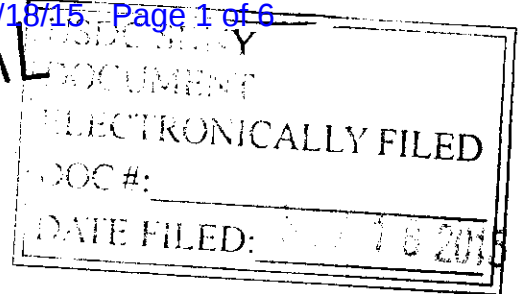


ORIGINAL



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - - x

UNITED STATES OF AMERICA :

INFORMATION

- v. - :

S2 15 Cr. 396 (LAK)

MARC WIESELTHIER, :

Defendant. :

- - - - - x

COUNT ONE

(Conspiracy to Commit Bank Fraud)

The United States Attorney charges:

1. At all times relevant to this Information, MARC WIESELTHIER, the defendant, was a licensed certified public accountant at an accounting firm located in New York, New York (the "Firm"). From in or about 2009 through at least in or about March 2014, WIESELTHIER was a partner at the Firm.

2. At all times relevant to this Information, a Florida-based company that was a wholesaler of beauty products (the "Company") and its chief executive officer were clients of MARC WIESELTHIER, the defendant. WIESELTHIER performed, among other things, year-end audits of financial statements for the Company.

3. At all times relevant to this Information, the Company, through its officers, fraudulently induced two banks with their principal U.S. locations in New York, New York (the "Banks") into lending the Company millions of dollars by repeatedly making, and causing to be made, materially false and misleading statements

about the Company's financial condition. Specifically, the Company falsely inflated its sales and accounts receivable on "borrowing base certificates" and in financial statements audited by MARC WIESELTHIER, the defendant, that were provided to the Banks pursuant to loan agreements between the Banks and the Company. The Company used those falsely inflated sales and accounts receivable to mislead the Banks about the Company's true financial performance so that the Company could secure and draw down millions of dollars in loans from the Banks that the Company would not otherwise have been entitled to receive.

4. As a part of the scheme to defraud, on an annual basis, MARC WIESELTHIER, the defendant, knowingly issued unqualified audit reports known as "clean opinions" falsely certifying that the Company's financial statements fairly, and in all material respects, reflected the true financial condition of the Company and were in conformity with generally accepted accounting principles ("GAAP"). In truth and in fact, at the time that WIESELTHIER issued those "clean opinions," WIESELTHIER knew that the Company's financial statements falsely overstated the Company's accounts receivable and understood that the Banks would rely upon those false financial statements in loaning money to the Company.

5. In or about March 2014, the Company defaulted on the loans at issue. At that time, the outstanding balance on the

loans was approximately \$4,888,460.35.

**STATUTORY ALLEGATIONS**

6. From at least in or about 2007, up to and including in or about March 2014, in the Southern District of New York and elsewhere, MARC WIESELTHIER, the defendant, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit bank fraud in violation of Title 18, United States Code, Section 1344, to wit, WIESELTHIER participated in a scheme to defraud the Banks by making, and willfully causing to be made, materially false and misleading statements about the financial condition of a Company in order for the Company to fraudulently obtain financing from the Banks.

7. It was a part and an object of the conspiracy that MARC WIESELTHIER, the defendant, and others known and unknown, knowingly would and did execute a scheme and artifice to defraud a financial institution, the deposits of which were then insured by the Federal Deposit Insurance Corporation, and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, such financial institution, by means of false and fraudulent pretenses, representations, and promises, in violation of Title 18, United States Code, Section 1344.

(Title 18, United States Code, Section 1349.)

**FORFEITURE ALLEGATION**

8. As the result of committing the offense charged in Count One of this Information, MARC WIESELTHIER, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(2) at least approximately \$161,000.00 in United States currency, in that such a sum represents any property constituting, or derived from, proceeds obtained directly or indirectly, as a result of the offense charged in Count One.

**Substitute Asset Provision**

9. If any of the above-described forfeitable property, as a result of any act or omission of MARC WIESELTHIER, the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b) and Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 982; and Title 21, United States Code, Section 853(p).)

  
PREET BHARARA  
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- v. -

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(18 U.S.C. § 1349.)

PREET BHARARA  
United States Attorney.

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